

Exhibit 18

PRE-DECISIONAL/DELIBERATIVE

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Camp Springs, MD 20588-0009



U.S. Citizenship
and Immigration
Services

April 16, 2025

DECISION

MEMORANDUM FOR THE SECRETARY

FROM: Kika M. Scott KIKAM
Senior Official Performing the Duties of Director SCOTT

SUBJECT: Temporary Protected Status for Nepal

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M SCOTT
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Recommendation: U.S. Citizenship and Immigration Services (USCIS) is presenting a recommendation of termination of Temporary Protected Status (TPS) for Nepal for your consideration.

Purpose: Nepal's existing designation for TPS will expire June 24, 2025. At least 60 days before a TPS designation expires, the Secretary, after consultation with appropriate U.S. Government agencies, is required to review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met, and, if so, the length of an extension of the designation.¹ If the Secretary determines that the country no longer meets the statutory conditions for designation, she must terminate the designation.² If the Secretary does not make a timely decision about whether the country no longer meets the conditions for TPS designation, the designation is automatically extended for an additional period of at least six months.³ Accordingly, USCIS has completed a review of the conditions in Nepal to inform the consideration of the TPS action and is presenting a recommendation of termination for your consideration.

As part of the review process, USCIS consulted with the Department of State (DOS). USCIS received a DOS recommendation and report dated January 16, 2025. Based on the DOS country conditions report, the former Secretary of State recommended termination of TPS given there is no longer an environmental disaster in Nepal causing a substantial, but temporary, disruption of living conditions, and that Nepal is currently able to adequately handle the return of its

¹ See Immigration and Nationality Act (INA) sec. 244(b)(3)(A); see also Attachment A: Temporary Protected Status Legal Authority.

² See INA sec. 244(b)(3)(B).

³ See INA sec. 244(b)(3)(C).

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nationals.⁴ The former Secretary of State recommended a delayed effective date of 18 months to provide time for both beneficiaries and the government of Nepal to prepare for returns.

For the reasons set forth below, USCIS agrees that ample information on the current country conditions in Nepal support TPS termination. However, USCIS does not agree that an 18-month delayed effective date of the termination is necessary. Temporary Protected Status, as the name itself makes clear, is an inherently temporary status. TPS designations are time-limited and must be periodically reviewed. The statute inherently contemplates advance notice of a termination by requiring the Secretary to make a decision at least 60 days before the current expiration date and delaying the effective termination date by at least 60 days after publication of a *Federal Register* notice of the termination or, if later, the existing expiration date. See INA sec. 244(b)(3), (d)(3); 8 U.S.C. 1254a(b)(3), (d)(3).⁵

TPS Overview: Nepal was initially designated for TPS on June 24, 2015 based on an earthquake that a former Secretary determined resulted in substantial, but temporary, disruption of living conditions.⁶ DHS then extended the designation for a period of 18 months, effective December 25, 2016, through June 24, 2018.⁷ On April 26, 2018, DHS announced the termination of TPS for Nepal to be effective June 24, 2019, finding that the disruption of living conditions from the 2015 earthquake had decreased and were no longer substantial.⁸ However, in response to litigation, DHS announced on May 10, 2019, that it would not implement or enforce the decision to terminate TPS for Nepal. DHS instead continued and extended the validity of TPS-related documentation for TPS beneficiaries from Nepal through March 24, 2020.⁹ On November 4, 2019, to comply with ongoing litigation, DHS further continued and

⁴ See Attachment C: DOS Recommendation and Country Conditions Report on TPS for Nepal.

⁵ The TPS statute does authorize DHS to allow for an extended winddown period “as the [Secretary] determines to be appropriate in order to provide for an orderly transition.” INA sec. 244(d)(3). Certain previous TPS terminations allowed for an extended transition, especially in the case of TPS designations that had been extended numerous times over the course of many years. See, e.g., *Termination of the Designation of El Salvador for Temporary Protected Status*, 83 FR 2654 (Jan. 18, 2018) (nearly 17 years, with 18-month transition period); *Termination of the Designation of Sudan for Temporary Protected Status*, 82 FR 47228 (Oct. 11, 2017) (20 years, with 12-month orderly transition period); *Termination of the Designation of Sierra Leone Under the Temporary Protected Status Program; Extension of Employment Authorization Documentation*, 68 FR 52407 (Sept. 3, 2003) (nearly 6 years, with 6-month orderly transition period); *Six-Month Extension of Temporary Protected Status Benefits for Orderly Transition Before Termination of Liberia's Designation for Temporary Protected Status*, 81 FR 66059 (Sept. 26, 2016) (nearly 2 years, with 6-month orderly transition period). Those countries, however, generally had been designated for TPS for longer periods. At the same time, certain other TPS designations were terminated without allowing for an extended transition period. See, e.g., *Termination of Designation of Angola Under the Temporary Protected Status Program*, 68 FR 3896 (Jan. 27, 2003) (nearly 3 years, no orderly transition period); *Termination of Designation of Lebanon Under Temporary Protected Status Program*, 58 FR 7582 (Feb. 8, 1993) (2 years, no extended transition period).

⁶ See *Designation of Nepal for Temporary Protected Status*, 80 FR 36346 (June 24, 2015).

⁷ See *Extension of the Designation of Nepal for Temporary Protected Status*, 81 FR 74470 (Oct. 26, 2016).

⁸ See *Termination of the Designation of Nepal for Temporary Protected Status*, 83 FR 23705 (May 22, 2018).

⁹ Pursuant to an order to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731, pending resolution of related claims being litigated before the Ninth Circuit Court of Appeals in *Ramos v. Nielsen*, No. 18-16981, DHS published

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extended TPS-related documentation for TPS beneficiaries from Nepal through January 4, 2021.¹⁰ While litigation continued, DHS published three additional Federal Register Notices (FRNs) (in 2020,¹¹ 2021,¹² and 2022¹³) extending the validity of TPS-related documentation for beneficiaries under the TPS designation of Nepal. Finally, on June 21, 2023, DHS published an FRN reconsidering and rescinding the prior administration's termination of Nepal TPS. The rescission was effective June 9, 2023, and the new 18-month extension of TPS for Nepal began on December 25, 2023, and will remain in effect through June 24, 2025.¹⁴

To be eligible for TPS under Nepal's current designation, along with meeting the other eligibility requirements, aliens must have continuously resided in the United States since June 24, 2015, and have been continuously physically present in the United States since June 24, 2015. There are currently approximately 12,700¹⁵ beneficiaries and approximately 70¹⁶ pending applications under Nepal's TPS designation.¹⁷

Description of Country Conditions: Nepal's TPS designation is based upon an environmental

a notice that it will not implement or enforce the decision to terminate TPS for Nepal. TPS beneficiaries from Nepal retained TPS, provided that an alien's TPS status is not withdrawn because of ineligibility. DHS extended the validity of TPS-related documentation for TPS beneficiaries from Nepal through March 24, 2020. *See Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019); *Ramos v. Nielsen*, 326 F. Supp. 3d 1075 (N.D. Cal. 2018); *see also Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Nepal and Honduras*, 84 FR 20647 (May 10, 2019).

¹⁰ To comply with the preliminary injunctions issued in *Ramos v. Nielsen* and *Saget v. Trump* and the order to stay proceedings in *Bhattarai v. Nielsen*. *See Saget v. Trump*, 375 F. Supp. 3d 280 (E.D.N.Y. 2019); *see also Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan*, 84 FR 59403 (Nov. 11, 2019).

¹¹ On December 9, 2020, DHS automatically extended the validity of TPS-related documentation for nine months through October 4, 2021, for TPS beneficiaries from Nepal. *See Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 85 FR 79208 (Dec. 9, 2020).

¹² On September 10, 2021, DHS published notice for a fifteen-month extension of TPS for aliens from Nepal until December 31, 2022, while the preliminary injunction in *Ramos* and the *Bhattarai* orders remain in effect. Extensions were previously set to expire on October 4, 2021. *See Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 86 FR 50725 (Sept. 10, 2021).

¹³ On November 16, 2022, DHS published a FRN extending the validity period of TPS for covered aliens from several countries, including Nepal, June 30, 2024. *See Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 87 FR 68717 (Nov. 16, 2022).

¹⁴ *See Reconsideration and Rescission of Termination of the Designation of Nepal for Temporary Protected Status; Extension of the Temporary Protected Status Designation for Nepal*, 88 FR 40317 (Jun. 21, 2023); *see also Extension of Re-Registration Periods for Extensions of the Temporary Protected Status Designations of El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan*, 88 FR 86665 (Dec. 14, 2023).

¹⁵ Estimate as of March 11, 2025. Of those 12,700 beneficiaries, approximately 5,500 have become lawful permanent residents.

¹⁶ Estimate as of March 11, 2025.

¹⁷ The DHS Office of Homeland Security Statistics has estimated that an additional 71,000 nationals of Nepal who have entered the United States since June 24, 2015, could become newly eligible for TPS if Nepal were to be newly designated. This estimate is as of January 31, 2025.

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disaster provision in the TPS statute. That provision requires a determination that (1) Nepal continues to experience an environmental disaster; (2) the disaster is causing a substantial, but temporary, disruption in the affected area; (3) Nepal is unable, temporarily, to adequately handle the return of its nationals; and (4) Nepal officially requested a TPS designation.¹⁸

USCIS and DOS each conducted a thorough review of conditions in Nepal. The full USCIS and DOS reports, upon which this recommendation is based, can be found in Attachments B and C, respectively, and a synopsis follows.

While parts of Nepal continue to experience challenges associated with the 2015 earthquake, there is no longer an environmental disaster or other situation causing substantial, but temporary, disruption of living conditions. Specifically, the impacts of the 2015 earthquake that were the basis for the initial 2015 TPS designation no longer prevent Nepal's nationals from returning in safety. Nepal has made significant progress recovering from the earthquake's destruction. A detailed discussion of these improved country conditions follows.

Improvements

The recovery efforts of the Government of Nepal and the international community have addressed the significant damage from the April 25, 2015, earthquake. Per the Government of Nepal's September 2024 Disaster Report on reconstruction, 88.36% of damaged households have been rebuilt.¹⁹ According to the Internal Displacement Monitoring Centre, while some of the people displaced by the earthquake continue to experience ongoing socioeconomic impacts, 90% of the surveyed internally displaced people had bought a new home.²⁰ In the health sector, 81.43% of damaged facilities have been reconstructed.²¹ The World Bank and other donors built more than 300,000 houses and provided technical assistance to communities and local governments.²² Nepal's National Reconstruction Authority disbanded in 2021 after most impacted structures were rebuilt.²³

¹⁸ INA sec. 244(b)(1)(B), (b)(3).

¹⁹ See Government of Nepal Ministry of Home Affairs, Nepal Disaster Report, September 2024, available at: https://bipad.gov.np/uploads/publication_pdf/Nepal_Disaster_Report_Final_2024.pdf (last visited March 18, 2025).

²⁰ See Internal Displacement Monitoring Centre, Disaster Displacement: Nepal Country Briefing (Dec. 13, 2022), available at: <https://www.internal-displacement.org/publications/disaster-displacement-nepal-country-briefing/> (last visited March 19, 2025).

²¹ See Government of Nepal Ministry of Home Affairs, Nepal Disaster Report, September 2024, available at: https://bipad.gov.np/uploads/publication_pdf/Nepal_Disaster_Report_Final_2024.pdf (last visited March 18, 2025).

²² See World Bank, Nepal – Earthquake Housing Reconstruction Project: Final Implementation Review and Support, March 2023, available at: <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/099050823052022936/p1559690634ae900f08b5d062bf08a958f6> (last visited March 18, 2025).

²³ See Lessons in Earthquake Reconstruction: Five Proven Approaches from Nepal, The World Bank, Dec. 1, 2021, available at: <https://www.worldbank.org/en/news/feature/2021/12/01/lessons-in-earthquake-reconstruction-five-proven-approaches-from-nepal#:~:text=The%20World%20Bank's%20Earthquake%20Housing,million%20Multi%20donor%20Trust%20Fund> (last visited March 18, 2025); see also Resource Guide: Nepal's Journey from Post-Earthquake Reconstruction to Resilience, The World Bank, available at: <https://www.worldbank.org/en/country/nepal/brief/post-earthquake-reconstruction-in-nepal> (last visited March 18, 2025).

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Though Nepal has continued to experience subsequent environmental events, including flooding and landslides, the government has made improvements to its preparedness and response capacity. Similar progress has been made in building disaster-resilient housing, infrastructure, and community systems, creating a safer and more stable environment for returnees.²⁴

Conditions in Nepal have improved in several areas. Overall conditions now broadly resemble what they were pre-earthquake. Though Nepal remains one of the poorest countries in the world, its GDP grew two percent from Fiscal Year (FY) 2023 to FY 2024.²⁵ Nepal's economic growth has been steady in recent years and is forecast to grow at a rate of 4.9% this year.²⁶ Nepal's expected GDP growth in 2025 is due to several factors, including robust agricultural outputs, a surge in tourism, increased electricity production, and better monetary policies.²⁷ In 2024, inflation also decreased²⁸ and purchasing power of lower-income households increased.²⁹ Nepal's Finance Minister has noted his country's economic recovery, citing increased money transfers from overseas, bank liquidity, and foreign reserves while addressing past challenges like high capital expenditure arrears and declining industrial production.³⁰ Nepal is focused on restoring investor confidence, supporting entrepreneurship, and reviving closed industries.³¹

In recent years, a growing number of nationals from Nepal have demonstrated their intent to return to Nepal by applying for visas to temporarily come to the United States. Specifically, a citizen of a foreign country who wishes to travel to the United States for a temporary stay must first obtain a nonimmigrant visa by showing an intent to return to their home country. In FY 2024, approximately 42,100 nationals from Nepal were issued a nonimmigrant visa, an increase from the approximately 39,800 in FY 2023. In FY 2024, there were approximately 57,770 nonimmigrant admissions of nationals from Nepal, demonstrating an increase from the approximately 47,600 admissions during the previous FY.³²

²⁴ See Asian Development Bank, Asian Development Bank and Nepal: Fact Sheet, August 2024, available at: <https://www.adb.org/publications/nepal-fact-sheet> (last visited March 18, 2025).

²⁵ See Nepal Development Update (October 2024), The World Bank, available at: <https://www.worldbank.org/en/country/nepal/publication/nepaldevelopmentupdate> (last visited March 19, 2025).

²⁶ See Nepal GDP: \$148 Billion, World Economics, available at: <https://www.world-economics.com/GrossDomesticProduct/Real-GDP-PPP/Nepal.aspx> (last visited March 26, 2025).

²⁷ See The Rising Nepal, January 9, 2025, available at: <https://risingnepaldaily.com/news/55110> (last visited March 18, 2025).

²⁸ See Nepal Development Update (October 2024), The World Bank, available at: <https://www.worldbank.org/en/country/nepal/publication/nepaldevelopmentupdate> (last visited March 19, 2025).

²⁹ See Situation Report on Nepal's Agrifood Systems (July 2024), Feed the Future, available at: <https://csisa.org/wp-content/uploads/sites/2/2024/08/240801-CSISA-SIT-REP-JUL.pdf> (last visited March 19, 2025).

³⁰ See Nepal News, December 12, 2024, available at: <https://nepalnews.com/s/politics/interview-economy-on-recovery-path-country-will-make-a-leap-towards-prosperity-in-this-term-itself-says-dpm-and-finance-minister-paudel/> (last visited March 18, 2025).

³¹ *Id.*

³² Estimates as of March 2025.

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Additionally, U.S. Immigration and Customs Enforcement (ICE) is currently returning nationals to Nepal. ICE has removed approximately 600 nationals of Nepal since its initial designation in June 2015, with 20 nationals returned in 2025.³³

National Security Considerations

Regarding public and national security, DHS records indicate that there are TPS beneficiaries from Nepal who have been the subject of administrative investigations for fraud, public safety and national security. Of the current 12,700 TPS recipients from Nepal, there are 59 national security records, 287 fraud records, and 9 public safety records. One is a known or suspected terrorist.³⁴

Options: Your options include the following actions:

- 1) *Terminate Nepal's Designation for TPS (USCIS recommends this option based on current conditions in Nepal)*
 - If you determine that Nepal no longer continues to meet the statutory requirements for its TPS designation, you must terminate TPS for Nepal. Termination would end TPS benefits for existing TPS beneficiaries from Nepal after notice in the *Federal Register*. Upon the termination of TPS benefits, former beneficiaries without another immigration status or authorization to remain would no longer have permission to work and remain in the United States. They may, however, apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence).
 - If you decide to terminate Nepal's designation, the effective date of termination may not be earlier than 60 days after the date the *Federal Register* notice announcing the termination is published or, if later, the expiration of the most recent previous extension.
- 2) *No Decision/Automatic Extension*
 - After review of the assessment, you could choose not to make a determination about whether Nepal's TPS designation should be extended or terminated at this time. If you do not make a decision at least 60 days prior to its expiration date, by statute, its period of designation will be automatically extended for 6 additional months (or, in your discretion, a period of 12 or 18 months).
 - Should you choose not to make a decision about whether the conditions supporting Nepal's designation continue to be met, an announcement of the automatic extension is required via *Federal Register* notice, including information to beneficiaries and employers about continued employment authorization and the period of extension. Note that you would then have to review conditions prior to the expiration of that extension.

³³ OPS PRD Report

³⁴ Estimates as of March 2025.

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3) *Extend Nepal's Designation for TPS*

- Under the TPS statute, if you determine that the statutory conditions for designation continue to be met, you must extend the TPS designation for an additional period of 6, 12, or 18 months.³⁵ Nepal was initially designated for TPS on June 24, 2015 based on an environmental disaster that resulted in a substantial, but temporary, disruption of living conditions.
- Should the decision be made to extend the designation of TPS for Nepal, only existing TPS beneficiaries may re-register for TPS, and any aliens from Nepal who may have entered the United States after the current continuous residence date will not be eligible for an initial application for TPS.³⁶

Signature Level Justification: The decision to designate any foreign state (or part thereof) is a discretionary decision, and the statute provides that there is no judicial review of any determination with respect to the designation, termination, or extension of a designation.³⁷ At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation.³⁸

Timeliness: You are required by statute to decide whether to extend or terminate an existing TPS designation at least 60 days before the expiration of the current designation, or the designation is automatically extended for a minimum of 6 months.³⁹ For Nepal's designation, which expires on June 24, 2025, you must make a decision by April 25, 2025, or the automatic extension occurs. You are further required to provide timely notice of your decision through publication in the *Federal Register*.⁴⁰ Your earliest decision will facilitate publication of the *Federal Register* notice, which communicates policy and appropriate procedures for TPS beneficiaries, their employers, and benefit-granting agencies.

³⁵ Along with an extension of the TPS designation, the statute also provides that the Secretary may newly designate the country for TPS. See INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1).

³⁶ In certain circumstances, aliens may apply for TPS for the first time during an extension of the country's TPS designation period. The alien must qualify to file their application late and must independently meet all the TPS eligibility requirements.

³⁷ INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).

³⁸ INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

³⁹ See INA sec. 244(b)(3)(A), (C).

⁴⁰ See INA sec. 244(b)(3)(A).

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USCIS Recommendation: USCIS has concluded that TPS for Nepal should be terminated following a review of the material from DOS and a review of the reporting discussed above, noting improvements in country conditions. Given the preparedness and ability of the government of Nepal to accept the return of its nationals, USCIS recommends that the statutory minimum of 60 days following publication of the FRN for the effective date of the termination is sufficient for an orderly period of transition and that the delayed effective date of 18 months recommended by the Department of State is not necessary.

Secretary's Decision:

1. Terminate: *Terminate Nepal's designation*

Approve/date _____

2. No Decision/Automatic Extension: *Delay a decision on Nepal's designation, resulting in an extension of 6 months*

Approve/date _____

3. Extend: *Extend Nepal's existing designation for 6, 12, or 18 months*

Specify duration of extension (6, 12, or 18 months): _____

Approve/date _____

Attachments:

- Attachment A: Temporary Protected Status Legal Authority
Attachment B: USCIS Country Conditions Report, Nepal: Temporary Protected Status (TPS)
Country of Origin Information (COI) Considerations
Attachment C: DOS Recommendation and Country Conditions Report on TPS for Nepal

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